

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 504 OF 2015****ALONGWITH****CIVIL APPLICATION NO. 642 OF 2015****IN****APPEAL FROM ORDER NO.504 OF 2015****Babul T. Sutradhar****..... Appellant****VERSUS****Maharashtra Housing & Area Development
Authority & Ors.****..... Respondents****ALONGWITH****CIVIL APPLICATION NO. 1351 OF 2015****IN****APPEAL FROM ORDER NO.504 OF 2015****Maharashtra Housing & Area Development
Authority & Ors.****..... Appellants****VERSUS****Babul T. Sutradhar****..... Respondent**

Mr.Tushar Dahibawkar & Co. for the Original Appellant/Respondents.

Ms.Neha Bhide for the Applicant in Civil Application/Original Respondent No.1.

CORAM : R.D. DHANUKA, J.**DATED : 15th DECEMBER, 2015****P.C.**

Learned counsel appearing for the respondent on instruction from his client who is present in court undertakes that the respondent would vacate the tenement in question within four weeks and would shift to the transit camp allotted to the respondent by the applicant to the civil application described in Ex.R-3 to the civil application which is letter dated 1st June, 2015. Learned counsel appearing for the

respondent on instruction states that his client would deposit the amount as called for in the said letter of allotment dated 1st June, 2015. Learned counsel appearing for MHADA states that the respondent to the civil application had not yet produced the original documents, the copies whereof were filed by the respondent to the civil application applicant for perusal of the applicant. She submits that the respondent has also not produced the power of attorney from his brother authorizing him to occupy one of the tenement in question.

2. Learned counsel appearing for the respondent to civil application on instruction states that the original documents would be produced before the applicant for perusal and comparison within four weeks from today along with power of attorney of the brother of the respondent. Statement is accepted.

3. It is made clear that if the respondent does not comply with any of the aforesaid statement/undertaking recorded by this court within the time prescribed aforesaid, the applicant would be at liberty to dispossess the respondent from the suit premises and if necessary with the assistance of police.

4. Learned counsel appearing for MHADA on instruction states that the respondent herein is being shifted to the temporary accommodation only to enable the applicant MHADA to carry out the appropriate repairs in the building and no sooner the repairs are carried out, the respondent would be put back in the possession of the suit structure. Other contentions raised by the respondent about the area of the suit flat is kept open and the same can be agitated before the learned trial Judge. Appeal from Order No.504 of 2015 as well as Civil Application No.1351 of 2015 are disposed of in the aforesaid terms.

5. In view of the disposal of the Appeal from Order No. 504 of 2015, Civil

Application No.642 of 2015 filed by the applicant does not survive and is accordingly disposed of. No order as to costs.

[R.D. DHANUKA, J.]